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PRATT & WHITNEY, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

GERALDINE BURTON, individually and  
as personal representative to the estate of  
HAROLD BURTON, decedent; BLAINE  
BURTON, MARK BURTON and DOES  
ONE through TEN, inclusive,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

Case No. CV 07-0702 SI

**STIPULATION TO CONTINUE THE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

Date: May 11, 2007

Time: 2:00 p.m.

Dept.: Courtroom 10, 19<sup>th</sup> Floor

This Stipulation to Continue the Case Management Conference (“Stipulation”) is entered into by plaintiffs Geraldine Burton, Mark Burton and Blaine Burton (collectively, “Plaintiffs”) and defendants McDonnell Douglas Corporation, The Boeing Company and United Technologies Corporation (collectively, “Defendants”), for themselves and no other defendants, through their respective counsel of record. This Stipulation is entered into with reference to the following facts:

1. On February 2, 2007, Defendants, each individually, removed this consolidated asbestos personal injury and wrongful death action to this Court on “federal officer” grounds pursuant to 28 U.S.C. section 1442(a)(1).

2. On February 7, 2007, the Court set the initial case management conference for May 11, 2007.

3. On March 2, 2007, Plaintiffs filed a motion to remand this action to the San Francisco Superior Court. The parties have fully briefed the issues in support of and in opposition to the motion to remand. The motion was originally noticed to be heard on April 6, 2007, but the parties agreed to continue the hearing until April 20, 2007. On March 9, 2007, the Clerk of the Court issued notice continuing the hearing until May 4, 2007.

4. On March 8, 2007, the Judicial Panel on Multidistrict Litigation (the “Panel”) issued a Conditional Transfer Order (“CTO”) to transfer the action to Multidistrict Litigation Docket No. 875 – In re Asbestos Products Liability Litigation (No. VI) (“MDL 875”) in the Eastern District of Pennsylvania for consolidated pre-trial proceedings.

5. On March 23, 2007, Defendant McDonnell Douglas Corporation filed a motion to temporarily stay this action pending its transfer to MDL 875. The parties have fully briefed the issues in support of and in opposition to the motion to temporarily stay the action. This motion was originally noticed to be heard on April 27, 2007, but the hearing was continued by the Court until May 4, 2007.

6. On March 23, 2007, Plaintiffs filed a Notice of Opposition to the CTO and later filed a Motion to Vacate the Conditional Transfer Order on April 9, 2007. Defendant McDonnell Douglas Corporation filed its Response to Plaintiffs’ Motion to Vacate on April 26, 2007. Plaintiffs’ motion to vacate is scheduled for hearing by the Panel on May 31, 2007.

7. Plaintiffs and Defendants jointly agree that it is premature, and would not be prudent nor efficient, to presently address the various agenda items listed in the Court’s Case Management Order and conduct the case management conference until the fundamental issues of jurisdiction and venue are resolved by the pending motions in this Court and before the Panel.

In light of the foregoing,

**IT IS HEREBY STIPULATED AND AGREED THAT:**

1. The CMC shall be continued from May 11, 2007 to June 18, 2007, at 2:00 p.m.

2. The Joint Case Management Statement shall be filed and served no later than June 11, 2007.

Respectfully submitted,

Dated: May 2, 2007

**LEVIN SIMES KAISER & GORNICK LLP**  
JEFFREY KAISER  
JESSICA BIERNIER

By: /s/

Jessica Biernier

Attorneys for Plaintiffs  
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Dated: May 2, 2007

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McDonnell Douglas Corporation

Dated: May 2, 2007

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Attorneys for Defendant  
THE BOEING COMPANY

Dated: May 2, 2007

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LILLIAN MA  
BRIAN CLARK

By: /s/

Lillian Ma

Attorneys for Defendant  
UNITED TECHNOLOGIES CORPORATION  
fka PRATT & WHITNEY, INC.

**ORDER**

Based upon the foregoing, and finding good cause therefor, it is hereby ORDERED that:

The Case Management Conference is continued to June 22, 2007 at 2:00 p.m. in Department 10 before the Honorable Judge Susan Illston.

It is further ordered that the Joint Case Management Statement, addressing all agenda items listed in the Court's Case Management Order, be filed on June 15, 2007.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

  
UNITED STATES DISTRICT JUDGE

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